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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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*[Signature]*

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER COMPANY  
FOR APPROVAL OF ITS 2016 RENEWABLE  
ENERGY STANDARD IMPLEMENTATION  
PLAN.

**DOCKET NO. E-01933A-15-0239**

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER COMPANY  
FOR ESTABLISHMENT OF JUST AND  
REASONABLE RATES AND CHARGES  
DESIGNED TO REALIZE A REASONABLE  
RATE OF RETURN ON THE FAIR VALUE  
OF THE PROPERTIES OF TUCSON  
ELECTRIC POWER COMPANY DEVOTED  
TO ITS OPERATIONS THROUGHOUT THE  
STATE OF ARIZONA AND FOR RELATED  
APPROVALS.

**DOCKET NO. E-01933A-15-0322**

**CLOSING BRIEF OF TUCSON  
MEADOWS, LLC**

Tucson Meadows, LLC, ("TM") files its Closing Brief in the above-captioned case.

**I. INTRODUCTION**

TM owns the Tucson Meadows manufactured home community ("Tucson Meadows") in Tucson, Arizona. TM purchased Tucson Meadows as an existing manufactured home community in 1979.<sup>1</sup> Tucson Meadows is a 55 and older age-restricted community.<sup>2</sup> TM receives master-metered electric service from Tucson Electric Power Company ("TEP").<sup>3</sup> At the hearing, TEP witness Craig Jones testified that a master-metered customer is one "that has a primary meter going into their service area, wherever they're physically located, and then they take that energy purchased and measured through that primary meter and reallocate to sub meters within their facility."<sup>4</sup> Thus, TM has one master meter for electric service and its residents have individual meters on their residences.<sup>5</sup>

<sup>1</sup> Hearing Transcript ("Trans.") Volume ("Vol.") V at 975, lines 18-24.

<sup>2</sup> *Id.* at 975-976.

<sup>3</sup> Trans. Vol. IX at 2053, lines 15-17.

<sup>4</sup> *Id.* at 2053, lines 20-24.

<sup>5</sup> *Id.* at 2054, lines 1-4.

1 TM is billed under TEP's LGS-13 commercial rate schedule.<sup>6</sup> TM passes most of the  
2 electric bill it receives each month from TEP to the residents of Tucson Meadows based on their  
3 respective metered usage.<sup>7</sup> Utility charges in mobile home parks are subject to A.R.S. § 33-  
4 1413.01. Under subsection "B" of the statute, if a mobile home park landlord separately charges  
5 tenants for utilities, which is the case for TM, then the landlord cannot charge more than the  
6 prevailing basic service single-family residential rate that the local serving utility or provider  
7 charges.<sup>8</sup> In a letter dated September 1, 2016 and filed with Docket Control, Manufactured  
8 Housing Communities of Arizona provided public comment explaining that it was involved in  
9 the drafting and lobbying of A.R.S. § 33-1413.01, and that the purpose of the law was to  
10 encourage mobile home park tenants to conserve utility services by making tenants responsible  
11 for the cost of their utility usage. While this was a worthy objective, it has worked a financial  
12 hardship in the case of TM due to the fact that TM is billed at a higher commercial rate under the  
13 LGS-13 tariff schedule but is limited to rebilling its residents at the lower residential rate.

14 TEP has a special rate schedule applicable to mobile home parks that are master-metered  
15 called Mobile Home Park Electric Service—GS-11F. Rate Schedule GS-11F no doubt exists as  
16 a response to the restriction imposed on master metered mobile home parks under A.R.S. § 33-  
17 1413.01. Rate Schedule GS-11F has rates that are lower than rate schedule GS-13. However,  
18 Rate Schedule GS-11F does not allow any "new" customers to join, including existing master-  
19 metered mobile home parks such as Tucson Meadows that happen to be on rate schedules other  
20 than the mobile home park rate.<sup>9</sup> In this rate case, TEP is proposing to change the name of Rate  
21 Schedule GS-11F to Mobile Home Park Electric Service (GS-M-F). However, the new rate  
22 schedule includes restrictive language stating that it is "only available to premises *historically*  
23 served on a master metered mobile home park tariff" and that it is "not available to new  
24 facilities."<sup>10</sup>

25 \_\_\_\_\_  
26 <sup>6</sup> *Id.* at 2054, lines 20-24.

27 <sup>7</sup> Direct Testimony of Kevin C. Higgins (Cost of Service/Rate Design) (Hearing Exhibit AECC-8) at 48,  
lines 17-21.

28 <sup>8</sup> *Id.* at 48-49.

<sup>9</sup> *Id.* at 48, lines 2-5.

<sup>10</sup> *Id.* at 48, lines 9-12 (emphasis added).

1 TM witness Kevin Higgins testified that he had discussions with TM regarding the reasons  
2 why Tucson Meadows is on the LGS-13 rate schedule rather than the GS-11F mobile home park  
3 rate schedule.<sup>11</sup> He testified that TM acquired Tucson Meadows in 1979, that “[t]hey weren’t  
4 aware that there was a choice to be made,” and that he did not find anything indicating that TM  
5 had chosen to be on the LGS-13 rate schedule.<sup>12</sup> In response to a question at the hearing regarding  
6 why TM is not served under Rate Schedule GS-11F, TEP witness Jones testified that “I don’t  
7 specifically know why they’re not, but I do know they’ve been on the LGS-13 rate since that 1979  
8 time frame that we discussed.”<sup>13</sup> He also testified that while TEP has attempted to find an  
9 application for service for Tucson Meadows, “[n]o one has found anything yet.”<sup>14</sup>

10 In this case, TM is requesting that the applicability criteria for rate schedule GS-11F be  
11 amended to remove the restriction on service to customers such as TM. In the event that TEP’s  
12 proposed replacement rate schedule GS-M-F is adopted, TM is requesting that the applicability  
13 criteria in that schedule be amended such that there is no restriction on migrating to the schedule  
14 for any existing master-metered mobile home park. TM is also requesting that the frozen Senior  
15 Lifeline and Medical Lifeline discounts for residents of master-metered mobile home parks be  
16 retained.

## 17 II. ANALYSIS OF ISSUES

### 18 A. TM Should Be Permitted to Move to Rate Schedule GS-11F, or alternatively, 19 Rate Schedule GS-M-F if Approved.

20 TM is charged for electricity under TEP’s LGS-13 commercial rate schedule, yet it may  
21 only charge its tenants for the electricity they use at the rates contained in TEP’s residential tariff,  
22 due to the legal restriction imposed in A.R.S. § 33-1413.01. Because TEP’s commercial rate is  
23 higher than the residential rate (both under existing rates and under proposed rates), TM is unable  
24 to recoup the full cost of the service that is billed by TEP and used by the residents, thereby  
25 causing a significant under-recovery that is borne by TM each and every month. The end result  
26 is that electric service used by residential users is charged by TEP at a commercial rate, to the

27 <sup>11</sup> Trans. Vol. V at 975, lines 3-13.

<sup>12</sup> *Id.* at 975, lines 11-17.

28 <sup>13</sup> Trans. Vol. IX at 2055, lines 8-12.

<sup>14</sup> *Id.* at 2055-2056.

1 financial detriment of TM, which is forced to subsidize the cost of what is truly residential service.  
2 Thus, master-metered manufactured home parks such as Tucson Meadows which, for whatever  
3 reason, are not served under the mobile home park rate schedule are forced to take service under  
4 a commercial rate schedule which has no nexus to residential rates. This inequitable result was  
5 certainly never intended by the drafters of A.R.S. § 33-1413.01. Moreover, TM witness Kevin  
6 Higgins testified that there is no public interest served by the continuing freeze of the mobile  
7 home park rate schedule to existing manufactured home communities.<sup>15</sup>

8 In addition to the unique circumstance created by the application of A.R.S. § 33-1413.01,  
9 Mr. Higgins testified that the LGS-13 Rate Schedule is not well suited for a customer such as TM  
10 which has a residential load profile. He testified that while TM is a commercial customer, the  
11 electricity it purchases is mostly for residential customers.<sup>16</sup> He acknowledged that there is some  
12 ancillary usage by TM, but testified that "most of the power is used by residential customers."<sup>17</sup>  
13 He explained the misfit of the LGS-13 rate schedule for TM as follows:

14 LGS[-13] has a significant demand charge and a 75 percent demand ratchet, which  
15 means that ... the bills these customers receive for demand cannot fall below 75  
16 percent of their demand during the highest month in the year. It should be obvious  
17 that such a rate design is not a good fit for a customer that has a residential load  
18 profile and has an obligation to resell power at TEP's residential rates.

19 TEP's mobile home park rate schedule is far more suitable for these customers, but  
20 TEP refuses to allow these customers to migrate to it. Because this rate schedule  
21 does not allow any so-called new customers to join, including existing master  
22 metered mobile home parks that happen to be on other rate schedules.

23 This situation makes no sense. It does not serve the public interest to force  
24 customers to lose money by purchasing power at one rate and reselling it at a lower  
25 rate, which is what has been occurring for Tucson Meadows....<sup>18</sup>

26 The current financial harm facing TM is illustrated in the following table prepared by Mr.  
27 Higgins:<sup>19</sup>

28 <sup>15</sup> Trans. Vol. V at 954-955.

<sup>16</sup> *Id.* at 1067, lines 20-23.

<sup>17</sup> *Id.* at 1067, lines 22-23.

<sup>18</sup> *Id.* at 955-956.

<sup>19</sup> The administrative law judge requested that the parties address the economic impact of TM's request in post-hearing briefing.

**Comparison of Tucson Meadows' Average Electric Charges Under  
Existing Large General Service and Mobile Home Park Rates to  
Existing Residential Rate**

<b>Rate Components</b>	<b>LGS Rates</b>	<b>Mobile Home Park (GS-11F) Rates</b>	<b>Residential (TE-R-01) Rates</b>
Customer Charges	\$9,300	\$186	\$41,807,904
Energy Charges	\$182,833	\$382,693	\$324,874,174
Demand Charges	\$209,097	(\$2,863)	\$0
Miscellaneous	\$0	\$0	(\$45,552)
<b>Total Annual Bill</b>	<b>\$401,230</b>	<b>\$380,016</b>	<b>\$366,636,526</b>
<b>Average \$ per kWh</b>	<b>\$0.1131</b>	<b>\$0.1072</b>	<b>\$0.1117</b>

This table shows that under existing rates, TM pays an average charge of \$0.1131 per kWh under Rate Schedule LGS-13 whereas the average charge under Rate Schedule GS-11F is a much lower \$0.1072 per kWh. More importantly, the charge of \$0.1131 per kWh is higher than the current residential charge of \$0.1117 per kWh. The financial impact to TM attributable to being prohibited from taking service under Rate Schedule GS-11F is more than \$21,000 per year, and could actually be worse due to the 75% demand ratchet problem discussed herein.

Under the rates proposed by TEP in this case, the difference per kWh between the rate classes is reduced, but TM still experiences a financial harm:

**Comparison of Tucson Meadows' Average Electric Charges Under  
TEP Proposed Large General Service and Mobile Home Park Rates  
to TEP Proposed Residential Rate**

Rate Components	LGS Rates	Mobile Home Park (GS-M-F) Rates	Residential (TE-R-01) Rates
Customer Charges	\$11,400	\$324	\$62,781,942
Energy Charges	\$180,457	\$429,915	\$345,277,141
Demand Charges	\$238,979	(\$2,863)	\$0
Miscellaneous	\$0	\$0	(\$22,024)
<b>Total Annual Bill</b>	<b>\$430,836</b>	<b>\$427,376</b>	<b>\$408,037,059</b>
<b>Average \$ per kWh</b>	<b>\$0.1215</b>	<b>\$0.1205</b>	<b>\$0.1250</b>

This table shows that under TEP's proposed rates, TM would pay an average charge of \$0.1215 per kWh under rate schedule LGS-13 whereas the average charge under rate schedule GS-M-F (renamed rate schedule GS-11F) is still lower at \$0.1205 per kWh. If TEP's proposal to increase residential rates is adopted, then both the LGS-13 and the GS-M-F rates would be lower than the residential rate. However, whether TEP will be successful in increasing residential rates *vis-a-vis* commercial rates is yet to be seen.

TM witness Higgins testified that another important factor that should be considered is that the LGS-13 rate schedule, with its 75% ratchet, creates significant risk for a mobile home park community. The rate impacts in the tables above are for a specific historical period—July 2014 through June 2015. However, a very hot summer could change these numbers significantly and cause a large adverse impact for TM under Rate Schedule LGS-13 because it would set the floor billing demand for the remainder of the year. Because of its rate design and its 75% demand ratchet provision, the LGS-13 rate schedule is not well suited for a customer such as TM which has a residential load profile and an obligation to only pass through residential rates to its residents pursuant to A.R.S. § 33-1413.01.<sup>20</sup>

<sup>20</sup> Trans. Vol. V at 955, lines 17-24.

TEP witness Jones argued in his Rebuttal Testimony that TEP will not allow existing mobile home parks to move to rate schedule GS-11F because: (1) Arizona Administrative Code R14-2-205, which addresses master metering, prevents it; and (2) “[a]ny mobile home park attempting to move to the rate would not qualify primarily because the rate is frozen which means no new premise could be added to the class.”<sup>21</sup> However, A.A.C. R14-2-205 is inapplicable in the case of TM because it applies to new construction or expansion of existing permanent residential home parks and Tucson Meadows is neither “new construction” nor “expansion.” Mr. Jones’ second point is similarly without merit. A frozen rate schedule can certainly be unfrozen where it serves the public interest to do so,<sup>22</sup> and a rate case is the appropriate place to make such a change. In fact, TEP encouraged TM to make its request in this rate case as Mr. Higgins testified on cross examination by TEP attorney Tim Sabo:

Q. All right. You understand that there was a meeting between this customer, Tucson Meadows, and TEP prior to the filing of this rate case where they requested to go onto this rate, correct?

A. Correct.

Q. And it was not bureaucratic obstructionism for TEP to refuse to put them on that rate because the rate was frozen at that time by the Commission, correct?

A. TEP encouraged [TM] to participate in the general rate case, so this issue could be resolved in the general rate case proceeding because TEP said it could not fix it or make an exception to the tariff in between rate cases, and so that is what led the customer to join AECC and seek relief in the general rate case proceeding.<sup>23</sup>

Mr. Higgins testified that TM’s issue “is relatively small by rate case standards, but one which is very important to the affected parties.”<sup>24</sup> He elaborated further:

This issue is not complicated and requires a simple, straightforward solution. Currently, there are a handful of master-metered mobile home parks that are on the LGS rate schedule—a rate schedule with a significant demand charge and a 75% demand ratchet. This rate schedule is ill-suited for these customers because they

<sup>21</sup> Rebuttal Testimony of Craig A. Jones (Hearing Exhibit TEP-3) at 52, lines 7-19.

<sup>22</sup> On cross examination, TEP witness Jones agreed that the Arizona Corporation has the authority to unfreeze a frozen tariff. Trans. Vol. IX at 2056-2057.

<sup>23</sup> Trans. Vol. V at 1066-1067.

<sup>24</sup> *Id.* at 954, lines 20-23.

1 are statutorily required to charge their residents TEP's residential rate—and the  
2 LGS rate design is a poor fit for customers with a residential load profile.<sup>25</sup>

3 In summary, the solution to TM's problem is simple and it inconveniences no one. The  
4 applicability criteria for rate schedule GS-11F should be amended to remove the restriction on  
5 service to new customers. If TEP's replacement rate schedule GS-M-F is adopted, the prohibition  
6 on "new facilities" should be removed as it is superfluous in light of A.A.C. R14-2-205 and the  
7 applicability criteria should be amended to remove any language restricting the rate schedule to  
8 premises that have historically been served on the mobile home park tariff.

9 **B. Senior Lifeline and Medical Lifeline Discounts.**

10 Initially, TEP proposed eliminating the frozen Senior Lifeline and Medical Lifeline  
11 discounts for residents of master-metered mobile home parks (including Tucson Meadows) after  
12 one year. According to TEP witness Craig Jones, TEP currently has contracts with 23 master-  
13 metered mobile home parks whereby TEP offers Lifeline discounts to qualifying residents.<sup>26</sup>  
14 Many of the residents living in manufactured home communities are retirees and many of those  
15 live on fixed incomes and/or deal with age-related medical issues. At the hearing, TEP witness  
16 Jones testified that eliminating the frozen Lifeline discounts for residents of master-metered  
17 mobile home parks is "not a substantial issue for [TEP]," and "[l]et's consider this particular issue  
18 dropped."<sup>27</sup>

19 **III. CONCLUSION**

20 Tucson Meadows urges the Commission to allow Tucson Meadows and other similarly  
21 situated master-metered mobile park communities to move to Mobile Home Park Electric Service  
22 Rate Schedule – GS-11F or replacement Rate Schedule GS-M-F, if approved. Further, Tucson  
23 Meadows urges the Commission to continue the frozen Senior Lifeline and Medical Lifeline  
24 discounts for residents of master-metered mobile home parks.

25  
26  
27 <sup>25</sup> Surrebuttal Testimony of Kevin C. Higgins (Hearing Exhibit AECC-10) at 37-38.

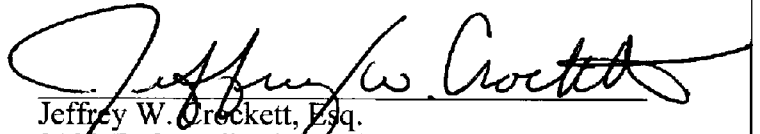
28 <sup>26</sup> Rebuttal Testimony of Craig A. Jones (Hearing Exhibit TEP-3) at 56, lines 9-11.

<sup>27</sup> Trans. Vol. IX at 2094, lines 3-4 and 13-14.



1 RESPECTFULLY submitted this 31<sup>st</sup> day of October, 2016.

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A handwritten signature in black ink, reading "Jeff Crockett", is written over a horizontal purple line. The signature is fluid and cursive.